

1637

Docket No. CDS-232

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John W. Sutherland

Serial No. : 09/877,748

Art Unit: 1637

Filed : June 11, 2001

Examiner: C.B. Wilder

For : DETECTING NUCLEIC ACID DELETION SEQUENCES

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February 4, 2004

(Date of Deposit)

Todd F. Volyn

(Name of applicant, assignee, or Registered Representative)

Todd F. Volyn

(Signature)

February 4, 2004

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Commissioner for Patents
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FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on June 11, 2001.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e)
(attached); or

☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☒ Statement in Accordance with \$1.97(e)
(attached); or
- ☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not



enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

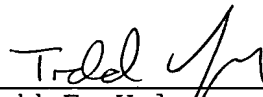
☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☒ Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed June 11, 2001.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CDS-232/TFV. This form is submitted in triplicate.

Respectfully submitted,



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DATED: February 4, 2004

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	09/877,748
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Filing Date	June 11, 2001
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<i>Filing Date</i>	June 11, 2001
<i>First Named Inventor</i>	John w. Sutherland

Group Art Unit	1637
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Group Art. Chk.	100%
Examiner Name	C.B. Wilder

Examiner Name	C.D. Wild
Attorney Docket Number	CDS-232

U.S. PATENT DOCUMENTS

[illegible]

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		FUKAGAWA, N.K. et al., "Aging and high concentrations of glucose potentiate injury to mitochondrial DNA", Free Radical Biology and Medicine 1999, United States, Vol. 27, No. 11-12, 1999, pp. 1437-1443	
		MARIN-GARCIA, J. et al., "Specific mitochondrial DNA deletions in idiopathic dilated cardiomyopathy", Cardiovascular Research 1996, Netherlands, Vol. 31, No. 2, 1996, pp. 306-313	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

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